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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,124	03/01/2002	Yorihito Okuda	029239-0104	2677

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WASHINGTON, DC 20007

EXAMINER

CULBRETH, ERIC D

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 12/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/085,124

Applicant(s)

OKUDA ET AL.

Examiner

Eric D Culbreth

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-7 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 October 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. Upon reconsideration, the sentence at page 13, lines 10-22 is not an incomplete sentence (paragraph 4e of the first Office Action).

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1 and 6-7 are rejected under 35 U.S.C. 102(b) as being anticipated by UK Patent Application 2,347,120 (cited by applicant).

In Figures 3-6, UK '120 teaches airbag 6, lid portion 4 and hinge portion 5b, 5e. A door member 5 is disposed on the rear face of the lid portion and is pressed by inflation pressure to be swung to form an opening. The hinge portion comprises a first hinge portion 5e in Figure 6 and a second hinge portion at 5b on the door member open side of the first hinge portion. As seen in Figures 5-6, the second hinge portion 5b is bent in a stage where inflation pressure of the air bag body is lower than some predetermined value to cause formation of the inflation opening to be started (i.e., as functionally recited, the hinge portion 5b has to bend before the predetermined pressure that causes first hinge portion 5e to bend, as first hinge portion 5e cannot bend until second hinge portion 5b has bent).

Regarding claims 6-7, as the second hinge portion 5b in Figure 6 is only one layer of material and the first hinge portion 5e has an additional layer 9c, the first hinge portion 5e is

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designed to have a greater flexural rigidity than the second hinge portion. As functionally recited in claim 7, at whatever predetermined value the first hinge portion 5e bends, the single layer second hinge portion 5b will bend before that value.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over UK '120 in view of Japanese Patent 6-107103 (of record).

UK '120 does not teach a laterally tapering hinge. Japanese '103 teaches a hinge portion at D that tapers in Figure 1 toward the door member at least from the portion farthest away from the door 2. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify UK '120 to include a tapered hinge such as taught by Japanese '103 in order to smoothly direct expansion of the air bag (English Abstract).

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over UK '120 in view of Japanese Patent 6-144141 (of record).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify UK '120 to include weakened portions on each side of a door portion of the door member in view of Japanese '141 in order to reduce energy loss required for deformation of the cover (English Constitution).

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over UK '120 in view of Gray et al (of record).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify UK '120 to include hinge portions (which would include UK '120's second hinge portion) on the center area and on two side areas of the door member as taught by Gray et al's bridges 65 in order to better manage energy during deployment (column 12, lines 1-15 of Gray et al).

Response to Arguments

8. Applicant's arguments filed 10/7/03 have been fully considered but they are not persuasive. Regarding the rejection of claim 1 with UK '120, the applicant argues on page 10 of the response that UK '120 does not teach two hinge portions (specifically, that portion 5e of UK '120 would not be recognized by one skilled in the art as a hinge and that hinge 5b is the only "relevant" hinge). However, this is not found persuasive in that the definitions of a hinge in The 2nd College Edition of the American Heritage Dictionary are "a jointed or flexible device that allows the turning or pivoting of a part, such as a door or lid, on a stationary frame", and "a structure or part similar to a hinge, such as that enabling the valves of a bivalve mollusk to open and close". UK '120's device 5e certainly meets these definitions, especially in view of the broad recitation of hinge "portions". Similarly, the skilled artisan would recognize structure 5e as a flexible device allowing pivoting of a door on the stationary instrument panel, or a device similar thereto (dictionary definition above). Classifying the hinge portion 5e as "relevant" does

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not patentably distinguish over the claim language, as the structure of UK '120 meets the claim language.

Allowable Subject Matter

9. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric D Culbreth whose telephone number is 703/308-0360. The examiner can normally be reached on Monday-Thursday, 9:30-7:00 alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 703-308-2089. The fax phone number for the organization where this application or proceeding is assigned is 703/746-3508.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Eric D Culbreth
Primary Examiner
Art Unit 3616



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